

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,  
ex rel. Kipp Fesenmaier,

Civil No. 13-3003 (RHK/FLN)

**ORDER**

Plaintiffs,

v.

Sightpath Medical, Inc.,  
TLC Vision Corporation,  
The Cameron-Ehlen Group, Inc.,  
d/b/a Precision Lens,  
Minnesota Eye Consultants P.A.,  
David Dillman,  
Paul Ehlen,  
Todd Gavin,  
Jeffrey Ketcham,  
Paul Kuck,  
Daniel Lange,  
Monte Leidenix,  
Richard Lindstrom,  
Michael Merck,  
Anthony Novak,  
Gregory Osmundson,  
Jitendra Swarup,  
Vance Thompson,  
Christopher Wallyn,  
David West, and  
Darrell Williams,

Defendants.

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Pursuant to the parties' Stipulation of Dismissal (Doc. No. 69), Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and based on all the files, records and proceedings in this matter,

**IT IS ORDERED:**

1. All claims asserted on behalf of the United States in this action against Sightpath Medical, Inc. and TLC Vision Corporation concerning the Covered Conduct, as defined in Recital Paragraph D of the August 2017 Settlement Agreement among the United States, Relator, and Sightpath Medical, Inc., and TLC Vision Corporation, are dismissed with prejudice;

2. All other claims in this action against Sightpath Medical, Inc. and TLC Vision Corporation are dismissed without prejudice to the United States and with prejudice to the Relator;

3. All claims in this action against Sightpath Medical, Inc. and TLC Vision Corporation asserted on behalf of the Relator for attorneys' fees under 31 U.S.C. § 3730(d) are dismissed with prejudice;

4. All other claims against all remaining defendants are specifically preserved and not dismissed; and

5. This dismissal does not disturb the parties' rights and obligations as set forth in the August 2017 Settlement Agreement.

Dated: September 13, 2017

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge